

REMARKS

35 USC 112 - first paragraph

Claims 75-109

Claims 75-109 stand rejected as failing to comply with 35 USC 112, first paragraph, as failing to comply with the written description requirement. The basis of the rejection is the use of the term “contiguous” in claims 75, 88, 101 and 102.

The Applicants respectfully disagree, and believe that there is support for the use of the word “contiguous.” But in order to expedite prosecution, claims 75, 88, 101 and 102 have been amended to delete the word “contiguous.” It is not believed that the term is necessary to establish patentability.

Claims 76, 89, 107

Claims 76, 89 and 107 stand rejected for lack of support. As suggested by the office action, paragraph 2, the claims have been amended to claim a range of 1000 - 4000 angstroms, for which there is support in the specification at page 27.

35 USC 112 - second paragraph

Claims 75-109

Claims 75-109 stand rejected as failing to comply with 35 USC 112, second paragraph. One basis for the rejection is the use of the term “contiguous” in claims 75, 88, 101 and 102. The deletion of the word “contiguous” renders moot this rejection.

Claims 78 and 91

Claims 78 and 91 are discussed: “it is not clear how the conductive layer can be ‘between’ the two subcells if it is a part of one of the two subcells,” office action para. 3. Claims 75 and 88 have been amended to address this issue, as suggested later in the office action (paragraph 6). The specification defines a “subcell” as including the conductive layers that are electrically connected to the organic layers of the subcell. See, e.g., specification at page 32, lines 11-14. Claims 75 and 88 have been amended to indicate that the conductive layer is

between the *organic materials* of particular subcells. As a result, a conductive layer can either be a part of the subcell or not, depending upon whether the conductive layer is electrically connected to the organic layer(s) of the subcell, or, for example, separated from the organic layer(s) by an insulating layer (see Figures 7, 8A - 8D and associated text for support of this concept).

The word “organic” has been added to dependent claim 82 for consistency.

Claim 103

Claim 103 stands rejected on the basis that insufficient guidance is provided in the specification to determine the scope of “low resistance” as required by claim 103. The Applicants respectfully traverse this rejection. The word “low” is used as a part of the phrase “low resistance metal substitute material.” The meaning of this phrase is clear in view of the specific definition provided in the specification at page 29, lines 7-10. The word “low” is not used to refer to any specific resistance in an absolute sense, but rather as a part of a larger phrase that describes electrodes fabricated in a certain way designed to result in surface states that reduce a barrier at the electrode.

Double Patenting Rejections

Claims 75-82, 84-95, and 97-109 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-27 of U.S. Patent No. 6,198,092.

Claims 75-83, 85-96, and 98-109 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-24 and 29-31 of U.S. Patent No. 6,278,055.

Claims 75-109 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-26 of U.S. Patent No. 6,198,091.

Terminal disclaimers with respect to each of these three patents are being filed concurrently with this amendment, rendering moot the double patenting rejections.

37 CFR 1.75, Claims 75, 78, 88 and 92

It has been indicated that, if claims 75 and 88 are allowed, claims 78 and 92 are objectionable as being substantial duplicates of claims 75 and 88, respectively.

It is suggested in the office action that clarification of the language of claims 75 and 88 may render moot this issue. Claims 75, 78-79, 88 and 91-92 have been amended. Claims 75 and 78 have been amended to specify that the conductive layer is between the organic materials of the subcells, instead of between the subcells themselves. Whether the conductive layer is a part of a subcell depends upon whether the conductive layer is electrically connected to the organic layers of the subcell. See specification, page 32 lines 11-14. Claims 78 and 91 have been amended to further specify that the conductive layer is a part of two subcells. See Figure 8A for support. Claims 79 and 92 have been amended to further specify that the first and second subcells are adjacent -- a conductive layer may be a part of only one subcell due to the presence, for example, of an insulating layer. See Figure 7 for support. Claims 78 and 91 therefore distinguish over claims 75 and 88 by excluding, for example, a device where the conductive layer is separated from a subcell by an insulating layer. See, e.g., Figure 7. Claims 79 and 92 distinguish over claims 75 and 88 by excluding, for example, a device where the first and second subcell share the conductive layer.

Comment re: Continuous / Contiguous

The office action, para. 7, comments on the claim term "contiguous." The term has been deleted, rendering moot any issues relating to the term.

Interview Summary

The applicants thank the examiner for the courtesy extended during an interview on December 15, 2003. The Applicants record of the interview as required by MPEP 713.04 is as follows:

- (A) No exhibit or demonstration was used.
- (B) Claims 75-109 were discussed.
- (C) The following art was discussed:

Hiramoto et al, Chem. Lett. 3, 1990, pp. 327-330

- (D) The amendments contained herein were proposed.
- (E) Patentability over Hiramoto, and specifically whether the Au film of Hiramoto is an "electrode" or "charge transfer layer" as required by the claims was discussed.
- (F) No other pertinent matters were discussed.
- (G) Agreement was reached that the claims are patentable over Hiramoto.
- (H) The interview was not conducted via e-mail.

The amendments relate to the form of the claims and place the application in condition for allowance, and are therefore proper under 37 CFR 116. See MPEP 714.12.

CONCLUSION

The Applicants respectfully request the reconsideration and withdrawal of all pending rejections and objections, and allowance of the claims.

Respectfully submitted,

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